

ARTICLE 11: TREE ORDINANCE

11.1 PURPOSE AND SCOPE

The purpose of this Article is to provide for the protection and continuance of the heavy tree canopy that currently exists within the City of Diamondhead by prohibiting the unnecessary removal of mature trees upon private property. The provisions of this Article shall apply to all trees having a caliper diameter of six (6) inches or more as measured at five (5) feet above adjacent grade and growing on privately owned property.

It is further the scope of this Article to provide certain planting limitations to protect trees and the like from unnecessary trimming and to protect utility systems from damage or destruction due to tree growth.

11.2 PERMIT REQUIRED PRIOR TO TREE DESTRUCTION

Except as provided and permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any tree designated in this Article on private property which has a trunk diameter of at least six inches (6") when measured at a point five feet (5') above ground level from the base of such tree unless a proper permit is issued under the provisions of this Article. A permit fee will be applied only in conjunction with applications to remove protected trees. Protected trees are defined as: 1. Live Oaks, 2. Cypress and 3. Magnolia trees.

11.3 PERMIT PROCESS

11.3.1 Application

Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a tree, as defined in this Article, shall first make application to the Zoning Administrator.

11.3.2 Review; Initial Decision

The Zoning Administrator shall receive and review applications for any work proposed to be done which may result in destruction of any tree or trees covered by this Article and shall render such decision in writing as they deem to be in the best interest of the City of Diamondhead.

11.4 PERMIT APPLICATION CONTENTS

Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or take any other action that results ultimately in the destruction of any tree designated in this Article shall first make written application to the Zoning Administrator in triplicate which shall contain the following information:

- A. The plat map describing the property on which the tree or trees are located naming streets adjacent to the property and showing the location of the tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall be shown on the map). The scale of the map shall be as follows:
- B. Trees to be affected shall be so denoted on the map by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map. Protected trees must be listed by species.
- C. An explanation or description of the work or alteration to be performed on each tree, and the reasons therefor.
- D. The name, legal residence, mailing address, and phone number of the property owner making the request and the same information of the person or firm doing the work.

11.5 APPLICATION REVIEW

The Zoning Administrator shall review the application and, in his discretion, may consult with the DRC in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:

- A. The health of the tree, if proposed to be removed for health reasons.

City of Diamondhead, Mississippi

- B. The location of any buildings or appurtenances existing or proposed upon a piece of property, and whether or not a more suitable design or location is available to avoid removing the tree.
- C. The effects an existing tree is having or is expected to have upon buildings or appurtenances existing on the property.
- D. The species of the tree.**
- E.** Other conditions that may be unique to the situation revealed in the application, including the economic hardship that would be imposed upon the applicant were the permit denied.

11.6 TREES ON PUBLIC PROPERTY

All trees of any kind, regardless of size, located on public property belonging unto the City of Diamondhead shall not be removed, cut down nor destroyed except upon action of the City Manager. Provided, however, any tree removed under authority of the City Manager shall nonetheless be reported to the City Council by the City Manager stating his reasons therefor.

11.7 EXEMPTION FOR PUBLIC UTILITIES

Any public utility operating within the City of Diamondhead may, upon order of the City Manager, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of Diamondhead, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility service.

11.8 PLANTINGS NOT TO INTERFERE WITH UTILITIES

It shall be unlawful for any tree or shrub to be planted in close proximity to an overhead utility such that said planting will come into conflict with and potentially damage or destroy said utility. It is the intent of this Section that plantings occur in such a location that they achieve mature height without the necessity of trimming or pruning to avoid overhead utility lines, thus destroying the symmetry of the planting.

ARTICLE 11: TREE ORDINANCE

11.1 PURPOSE AND SCOPE

The purpose of this Article is to provide for the protection and continuance of the heavy tree canopy that currently exists within the City of Diamondhead by prohibiting the unnecessary removal of mature trees upon private property. The provisions of this Article shall apply to all trees having a caliper diameter of six (6) inches or more as measured at five (5) feet above adjacent grade and growing on privately owned property.

It is further the scope of this Article to provide certain planting limitations to protect trees and the like from unnecessary trimming and to protect utility systems from damage or destruction due to tree growth.

11.2 PERMIT REQUIRED PRIOR TO TREE DESTRUCTION

Except as provided and permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any tree designated in this Article on private property which has a trunk diameter of at least six inches (6") when measured at a point five feet (5') above ground level from the base of such tree unless a proper permit is issued under the provisions of this Article.

11.3 PERMIT PROCESS

11.3.1 Application

Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a tree, as defined in this Article, shall first make application to the Zoning Administrator.

11.3.2 Review; Initial Decision

The Zoning Administrator shall receive and review applications for any work proposed to be done which may result in destruction of any tree or trees covered by this Article and shall render such decision in writing as they deem to be in the best interest of the City of Diamondhead.

11.4 PERMIT APPLICATION CONTENTS

Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or take any other action that results ultimately in the destruction of any tree designated in this Article shall first make written application to the Zoning Administrator in triplicate which shall contain the following information:

- A. The plat map describing the property on which the tree or trees are located naming streets adjacent to the property and showing the location of the tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall be shown on the map). The scale of the map shall be as follows:
- B. Trees to be affected shall be so denoted on the map by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map.
- C. An explanation or description of the work or alteration to be performed on each tree, and the reasons therefor.
- D. The name, legal residence, mailing address, and phone number of the property owner making the request and the same information of the person or firm doing the work.

11.5 APPLICATION REVIEW

The Zoning Administrator shall review the application and, in his discretion, may consult with the DRC in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:

- A. The health of the tree, if proposed to be removed for health reasons.

- B. The location of any buildings or appurtenances existing or proposed upon a piece of property, and whether or not a more suitable design or location is available to avoid removing the tree.
- C. The effects an existing tree is having or is expected to have upon buildings or appurtenances existing on the property.
- D. Other conditions that may be unique to the situation revealed in the application, including the economic hardship that would be imposed upon the applicant were the permit denied.

11.6 TREES ON PUBLIC PROPERTY

All trees of any kind, regardless of size, located on public property belonging unto the City of Diamondhead shall not be removed, cut down nor destroyed except upon action of the City Manager. Provided, however, any tree removed under authority of the City Manager shall nonetheless be reported to the City Council by the City Manager stating his reasons therefor.

11.7 EXEMPTION FOR PUBLIC UTILITIES

Any public utility operating within the City of Diamondhead may, upon order of the City Manager, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of Diamondhead, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility service.

11.8 PLANTINGS NOT TO INTERFERE WITH UTILITIES

It shall be unlawful for any tree or shrub to be planted in close proximity to an overhead utility such that said planting will come into conflict with and potentially damage or destroy said utility. It is the intent of this Section that plantings occur in such a location that they achieve mature height without the necessity of trimming or pruning to avoid overhead utility lines, thus destroying the symmetry of the planting.